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May 31, 2024

VIA E-FILING

Hon. Karin J. Immergut
United States District Court
District of Oregon
Mark O. Hatfield United States Courthouse, Room 1307
1000 Southwest Third Avenue
Portland, OR 97204-2946

Re: ***In Re Petition of Novalpina Capital Partners I GP S.a.r.l. for Judicial Assistance
Pursuant to 28 U.S.C. § 1782, 23-mc-0082-IM***

Dear Judge Immergut:

On behalf of Intervenor Treo Asset Management LLC and Treo NOAL GP (collectively, “Treo”), and Respondents Tobias Read and Michael Langdon (collectively, “Respondents”), we collectively write to advise the Court of developments this week, just after the submission of Treo’s Reply Brief, that are directly relevant to the motions currently pending before the Court.

In particular, on Monday, May 27, 2024 – the first day after Treo’s Reply was filed – Petitioner Novalpina Capital Partners I GP S.à.r.l. (“Novalpina GP”) filed a submission in the Summons 4 proceeding in Luxembourg that made use of 13 documents produced by Respondents and marked as “Confidential” pursuant to this Petition. This is thus a second misuse by Petitioner in Summons 4 of materials produced by Respondents in this proceeding. Moreover, with limited exception, the documents used on May 27 in Summons 4 appear to be substantially the same set of documents that Novalpina GP previously attached to its May 23, 2024 submission in the Veto Right litigation, which Treo addressed in its reply brief.¹ (See Dkt. 57 at 5.) And the timing of Petitioner’s use of these documents in the Summons

¹ As detailed in the declaration of Paulo Lopes da Silva accompanying Treo’s reply brief, the documents at issue are not relevant to the Veto Right Litigation, and their use there – on May 23 – seemed designed to respond to concerns raised by both Respondents and Treo in the pending motions. (See Dkt. 58, ¶ 15.) Of the 13 documents used in the Veto Right Litigation last week, 11 were just submitted in Summons 4. They are: OPERF_004692 (stamped “Confidential”); OPERF_010627; OPERF_013240; OPERF_008257 (stamped “Confidential”); OPERF_003642; OPERF_003639; OPERF_008391 (stamped “Confidential”); OPERF_014306 (stamped “Confidential”); OPERF_014266 (stamped “Confidential”); OPERF_002027; and OPERF_007466 (stamped “Confidential”). The document marked OPERF_004692 was attached to Novalpina GP’s May 23, 2024 submission in the Veto Right litigation but was inadvertently omitted from

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4 proceeding is particularly concerning given that it comes immediately following the filing of Treo's reply brief, and thus Treo's opportunity to bring that issue to this Court's attention.

Accordingly, Treo and Respondents wanted to ensure these facts were before the Court. Moreover, we respectfully renew our request for oral argument on the pending motions given the evolving nature of the facts that may be relevant to the Court's consideration of the same.

Respectfully submitted,



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Paulo Lopes da Silva's declaration. In both proceedings, Novalpina GP failed to provide notice to Respondents of its intent to use these Confidential documents.

**McDermott
Will & Emery**